

RHONDAL NELSON (State Bar No. 116043)  
SEVERSON & WERSON  
A Professional Corporation  
One Embarcadero Center, Suite 2600  
San Francisco, CA 94111  
Telephone: (415) 398-3344  
Facsimile: (415) 956-0439

Attorneys for Plaintiff  
IRETAIRBY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT  
SAN FRANCISCO DIVISION

IRETAIRBY,

Plaintiff,

vs.

BROOKS HENDERSON HADEN,

Defendant.

**CASE NO. CV08-80004 MISC-PJH**

**DECLARATION OF RHONDAL NELSON REGARDING POST-JUDGMENT INTEREST ON REGISTERED JUDGMENT FROM ANOTHER DISTRICT  
28 U.S.C. § 1961. [CCP § 685]**

I, Rhonda L. Nelson, declare and state:

1. I am a member of the law firm of Severson & Werson, attorneys of record for Ireta Irby ("Judgment Creditor") in this matter, and am duly licensed before all courts in the State of California. I make this declaration on behalf of the Judgment Creditor to set out the amount of post-judgment interest which has accrued on the Judgment which was renewed on September 25, 1996, February 25, 1999, and January 10, 2008. I am authorized by the Judgment Creditor to make this declaration.

2. On November 21, 1988, the United States District Court for the District of Texas entered judgment in favor of Ireta Irby and against Brooks Henderson Haden. The original

1 balance of the judgment was for \$87,450.00. A copy of that Judgment is attached hereto as  
 2 Exhibit "A".

3 3. The Judgment has been renewed under the requirement of Texas law under Acts 1985  
 4 §34.001 (a copy of which is attached as Exhibit B) which requires only that a Writ of Execution  
 5 be issued once every ten (10) years. Writs of execution were issued on September 25, 1996, and  
 6 February 25, 1999. The Judgment from United States District Court for the Southern District of  
 7 Texas was Certified on January 10, 2008, by that Court and registered in this Court on January 11,  
 8 2008.

9  
 10 4. On January 10, 2008, the United States District Court for the Southern District of  
 11 Texas Certified its judgment for registering in this district. A copy of the Certified Judgment is  
 12 attached hereto as Exhibit "C" and is incorporated herein.

13  
 14 5. Interest on the Judgment is determined by under 28 U.S.C. § 1961. The rate of interest  
 15 is calculated from the date of the entry of the judgment, at a rate equal to the weekly average 1-  
 16 year constant maturity Treasury yield, as published by the Board of Governors of the Federal  
 17 Reserve System, for the calendar week preceding the date of the judgment.

18  
 19 6. The rate of interest applicable as of November 10, 1988, pursuant to the Treasury  
 20 Department historic rates is 8.15%. This would apply to a judgment entered on November 17,  
 21 1988. A copy of the table from which the interest rate is determined is attached as Exhibit "D".

22 7. Interest is compounded annually as allowed by law. *Kaiser Aluminum & Chem. Corp.*  
 23 *v. Bonjorno* 494 U.S. 827, 831-832 (1990).

24 8. Interest has accrued as follows:  
 25  
 26

Rate	BegDate	EndDate	Days Between	DailyRate	Accrued Interest*	Balance Compounded Annually(28 U.S.C.§1961)
	11/17/1988	11/17/988	0		\$0.00	\$87,450.00
8.15%	11/17/1988	11/17/1989	365	\$19.53	\$7,127.18	\$94,577.18
8.15%	11/17/1989	11/17/1990	365	\$21.12	\$7,708.04	\$102,285.21
8.15%	11/17/1990	11/17/1991	365	\$22.84	\$8,336.25	\$110,621.46
8.15%	11/17/1991	11/17/1992	366	\$24.70	\$9,040.35	\$119,661.81
8.15%	11/17/1992	11/17/1993	365	\$26.72	\$9,752.44	\$129,414.25
8.15%	11/17/1993	11/17/1994	365	\$28.90	\$10,547.26	\$139,961.51
8.15%	11/17/1994	11/17/1995	365	\$31.25	\$11,406.86	\$151,368.37
8.15%	11/17/1995	11/17/1996	366	\$33.80	\$12,370.32	\$163,738.69
8.15%	11/17/1996	11/17/1997	365	\$36.56	\$13,344.70	\$177,083.39
8.15%	11/17/1997	11/17/1998	365	\$39.54	\$14,432.30	\$191,515.69
8.15%	11/17/1998	11/17/1999	365	\$42.76	\$15,608.53	\$207,124.22
8.15%	11/17/1999	11/17/2000	366	\$46.25	\$16,926.87	\$224,051.09
8.15%	11/17/2000	11/17/2001	365	\$50.03	\$18,260.16	\$242,311.26
8.15%	11/17/2001	11/17/2002	365	\$54.11	\$19,748.37	\$262,059.62
8.15%	11/17/2002	11/17/2003	365	\$58.51	\$21,357.86	\$283,417.48
8.15%	11/17/2003	11/17/2004	366	\$63.28	\$23,161.81	\$306,579.29
8.15%	11/17/2004	11/17/2005	365	\$68.46	\$24,986.21	\$331,565.50
8.15%	11/17/2005	11/17/2006	365	\$74.03	\$27,022.59	\$358,588.09
8.15%	11/17/2006	11/17/2007	365	\$80.07	\$29,224.93	\$387,813.02
8.15%	11/17/2007	1/18/2008	62.00	\$86.59	\$5,368.82	\$393,181.84
				TOTAL ACCRUED INTEREST	\$305,731.84	

9. Previously, defendant Brooks H. Haden filed a Chapter 7 Bankruptcy petition in the Northern District of California in the Santa Rosa Division as Case No. 96-13933 AJ. Plaintiff Irby filed a non-dischargeability action against Haden. On April 17, 1998, the Hon. Alan J. Jaroslovsky issued an order determining that the Texas Judgment in favor of Irby is non-dischargeable. A copy of that judgment is attached hereto as Exhibit "E" and incorporated herein.

10. In that Judgment for non-dischargeability, the United States Bankruptcy Court ordered costs of \$685.20.

1 11. Ireta Irby applies for a writ of execution in the sum of \$393,867.04 of this amount  
2 \$305,731.84 represents accrued interests since November 17, 1988, and \$685.20 represents  
3 awarded costs.

4 12. Judgment Debtor Brooks Henderson Haden has paid no part of the interest or principal  
5 owed on this judgment.

6 I declare under penalty of perjury under the law of the United States of America that the  
7 foregoing is true and correct.

8 Executed on the 29th day of January 2008, at San Francisco, California.

9  
10  
11 /s/Rhonda L. Nelson  
12 Rhonda L. Nelson  
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26

# EXHIBIT A

EXHIBIT A

5

CLERK, U. S. DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS

FILED

11-17-88

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

JESSE E. CLARK, CLERK  
BY DEPUTY

*[Signature]*

IRETA IRBY

VS.

BROOKS H. HADEN

X  
X  
X  
X  
X

CIVIL ACTION NO. H-88-1781

JUDGMENT

On this day came on to be heard Plaintiff's Motion for Default Judgment in the above styled cause, and it appearing to the court that Defendant, though duly summoned to appear and answer herein, has wholly failed to appear and answer herein, that appearance day for Defendant has passed, and that Plaintiff's cause of action is based upon a liquidated demand, the court finds that Plaintiff is entitled to judgment by default as prayed for.

It is ORDERED, ADJUDGED, and DECREED that Plaintiff, IRETA IRBY, recover from Defendant, BROOKS H. HADEN, Judgment in the total sum of \$87,450.00 (which includes Plaintiff's principal claim of \$75,000.00, plus pre-judgment interest on the principal claim of \$4,500.00, plus attorney's fees of \$7,950.00) together with interest at the legal rate on the total amount from the date of this Judgment until paid, and for all costs of court spent in this cause, for all of which let execution issue.

DONE at Houston, Texas this 17 day of

Nov., 1988.

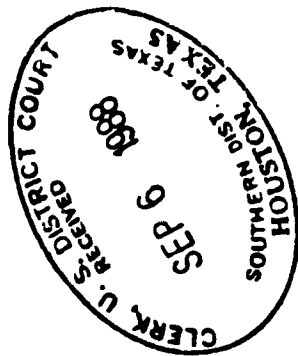
TRUE COPY I CERTIFY  
ATTEST:

MICHAEL N. MILBY, CLERK

By *[Signature]*  
Deputy Clerk

  
UNITED STATES DISTRICT JUDGE





CLERK, U. S. DISTRICT COURT  
RECEIVED DOCKET SECTION  
HOUSTON, TEXAS  
SOUTHERN DISTRICT OF TEXAS

NOV 21 1988

1 2 3 4 5 6 PM



# **EXHIBIT B**

# **EXHIBIT B**

§ 34.001. NO EXECUTION ON DORMANT JUDGMENT. (a) If a writ of execution is not issued within 10 years after the rendition of a judgment of a court of record or a justice court, the judgment is dormant and execution may not be issued on the judgment unless it is revived.

(b) If a writ of execution is issued within 10 years after rendition of a judgment but a second writ is not issued within 10 years after issuance of the first writ, the judgment becomes dormant. A second writ may be issued at any time within 10 years after issuance of the first writ.

Acts 1985, 69th Leg., ch. 959, § 1, eff. Sept. 1, 1985.

# EXHIBIT C

EXHIBIT C

AO 451 (Rev. 12/93) Certification of Judgment

UNITED STATES DISTRICT COURT

SOUTHERN

DISTRICT OF

TEXAS

IRETA IRBY

V.

BROOKS H. HADEN

CERTIFICATION OF JUDGMENT  
FOR REGISTRATION IN  
ANOTHER DISTRICT

CV

08

80

00

4

MTSC

Case Number: H -88-1781

I, MICHAEL N. MILBY Clerk of the United States district court certify that the attached judgment is a true and correct copy of the original judgment entered in this action 11/17/1988, as it appears in the records of this court, and that no notice of appeal from this judgment has been filed, and no motion of any kind listed in Rule 4(a) of the Federal Rules of Appellate Procedure has been filed.

PJH

IN TESTIMONY WHEREOF, I sign my name and affix the seal of this Court.

JAN 10 2008

Date

Michael N. Milby

Clerk

(By) Deputy Clerk

\*Insert the appropriate language: ...“no notice of appeal from this judgment has been filed, and no motion of any kind listed in Rule 4(a) of the Federal Rules of Appellate Procedure has been filed.” ...“no notice of appeal from this judgment has been filed, and any motions of the kinds listed in Rule 4(a) of the Federal Rules of Appellate Procedure (†) have been disposed of, the latest order disposing of such a motion having been entered on [date].” ...“an appeal was taken from this judgment and the judgment was affirmed by mandate of the Court of Appeals issued on [date].” ...“an appeal was taken from this judgment and the appeal was dismissed by order entered on [date].”

(†Note: The motions listed in Rule 4(a), Fed. R. App. P., are motions: for judgment notwithstanding the verdict; to amend or make additional findings of fact; to alter or amend the judgment; for a new trial; and for an extension of time for filing a notice of appeal.)

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

## WRIT OF EXECUTION

To the UNITED STATES MARSHAL for the Southern District of Texas.

UNITED STATES COURT  
SOUTHERN DISTRICT OF TEXAS  
FILED

In Civil Action Number

H-88-1781

FEB 25 1999

In this Division

Houston

MICHAEL N. MILBY, CLERK OF COURT

Which was styled:

Ireta Irby

- versus -

Brooks H. Haden

This judgment creditor:

Ireta Irby

Recovered a judgment of

\$ 87,450.00

Plus costs of

\$ -0-

Which judgment was entered on

11-17-88

And bears interest at

8.55

%

From this judgment debtor:

Brooks H. Haden

You are commanded to take of the goods, land and choses-in-action of the judgment debtor enough to pay the judgment in full and the costs of this writ. Fail not, and return this writ, certifying how you executed it.

United States District Court  
Southern District of Texas

Michael N. Milby, Clerk

By:

MICHAEL N. MILBY

Deputy Clerk

Date Issued: FEB 25 1999

4487444

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

Ireta Irby

versus

Brooks H. Haden

§  
§  
§  
§  
§  
§  
§  
§  
§

CASE NO. H-88-1781

UNITED STATES COURTS  
SOUTHERN DISTRICT OF TEXAS  
FILED

FEB 25 1999

EC

## ABSTRACT OF JUDGMENT

MICHAEL N. MILBY, CLERK OF COURT

<b>Date Judgment Entered:</b>	11-17-88
<b>Judgment in Favor of:</b>	Ireta Irby -- Plaintiff
<b>Judgment Against:</b>	Brooks H. Haden -- Defendant
<b>Amount of Judgment:</b>	\$ 87,450.00
<b>Amount of Costs:</b>	\$ -0-
<b>Rate of Interest:</b>	8.55 %
<b>Amount of Credits Since Judgment:</b>	\$ -0-
<b>Amount Due:</b>	\$ 162,219.80

The above and foregoing is a correct Abstract of Judgment entered in the United States District Court, for the Southern District of Texas, in the above-captioned case.

MICHAEL N. MILBY, Clerk

DATED: FEB 25 1999 By:



Deputy Clerk

CLERK, U. S. DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS

FILED

11-17-88

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISIONJESSE P. CLARK, CLERK  
BY DEPUTY

IRETA IRBY

VS.

BROOKS H. HADEN

X  
X  
X  
X  
X

CIVIL ACTION NO. H-88-1781

JUDGMENT

On this day came on to be heard Plaintiff's Motion for Default Judgment in the above styled cause, and it appearing to the court that Defendant, though duly summoned to appear and answer herein, has wholly failed to appear and answer herein, that appearance day for Defendant has passed, and that Plaintiff's cause of action is based upon a liquidated demand, the court finds that Plaintiff is entitled to judgment by default as prayed for.

It is ORDERED, ADJUDGED, and DECREED that Plaintiff, IRETA IRBY, recover from Defendant, BROOKS H. HADEN, Judgment in the total sum of \$87,450.00 (which includes Plaintiff's principal claim of \$75,000.00, plus pre-judgment interest on the principal claim of \$4,500.00, plus attorney's fees of \$7,950.00) together with interest at the legal rate on the total amount from the date of this Judgment until paid, and for all costs of court spent in this cause, for all of which let execution issue.

DONE at Houston, Texas this 17 day of Nov, 1988.

TRUE COPY I CERTIFY

ATTEST:

MICHAEL N. MILBY, CLERK

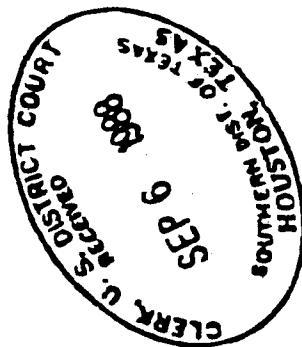
By L. Guzman

Deputy Clerk

  
UNITED STATES DISTRICT JUDGE

2008





CLERK, U. S. DISTRICT COURT  
RECEIVED DOCKET SECTION  
HOUSTON, TEXAS  
SOUTHERN DISTRICT OF TEXAS

NOV 21 1988

PM

1,2,3,4,5,6

Nicolas De Lencie, Esq.

Lofton, De Lencie & Nels  
505 Montgomery St., #1550  
San Francisco, CA 94111☒ ATTORNEY FOR ☒ JUDGMENT CREDITOR ☐ ASSIGNEE OF RECORDNAME OF COURT: United States District Court  
STREET ADDRESS: Northern District of California  
MAILING ADDRESS: 450 Golden Gate Avenue, 16th Floor  
CITY AND ZIP CODE: San Francisco, CA 94102  
BRANCH NAME: (See attachment)

PLAINTIFF: IRETA IRBY

DEFENDANT: BROOKS H. HADEN

WRIT  
OF☒ EXECUTION (Money Judgment)  
☐ POSSESSION OF ☐ Personal Property  
☐ Real Property  
☐ SALE

CASE NUMBER: FOREIGN JUDGMENT

96 034VRM

FOR COURT USE ONLY

1. To the Sheriff or any Marshal or Constable of the County of:
- 
- San Francisco

You are directed to enforce the judgment described below with daily interest and your costs as provided by law.

2. To any registered process server: You are authorized to serve this writ only in accord with CCP 899.080 or CCP 715.040.

3. (Name): IRETA IRBY

is the ☒ judgment creditor ☐ assignee of record  
whose address is shown on this writ above the court's name (see attachment)

4. Judgment debtor (name and last known address):

Brooks H. Haden  
19 Laurelwood Avenue  
Mill Valley, CA 94941

- 9.
- ☐
- See reverse for information on real or personal property to be delivered under a writ of possession or sold under a writ of sale.

- 10.
- ☒
- This writ is issued on a sister-state judgment.

11. Total judgment ..... \$ 87,450.00

12. Costs after judgment (per filed order or memo CCP 685.090) ..... \$

13. Subtotal (add 11 and 12) ..... \$ 87,450.00

14. Credits ..... \$ 0

15. Subtotal (subtract 14 from 13) ..... \$ 87,450.00

16. Interest after judgment (per filed affidavit CCP 685.050) ..... \$ 68,402.67

17. Fee for issuance of writ ..... \$ 7.00

18. Total (add 15, 16, and 17) ..... \$ 155,859.67

19. Levying officer:

- (a) Add daily interest from date of writ
- 
- (at the legal rate on 15) of ..... \$ 23.9589

- (b) Pay directly to court costs included in
- 
- 11 and 17 (GC 6103.5, 68511.3, CCP
- 
- 699.220(b),(j)) ..... \$

- 20.
- ☐
- The amounts called for in items 11-19 are different for each debtor.
- 
- These amounts are stated for each debtor on Attachment 20.

Issued on (date): SEP 12 1996

Clerk, by THELMA NUDO  
SEP 12 1996 Deputy

- NOTICE TO PERSON SERVED: SEE REVERSE FOR IMPORTANT INFORMATION -

(Continued on reverse)

## SHORT TITLE:

Irby v. Haden

CASE NUMBER: FOREIGN JUDGMENT

96 034 VRW

(U.S.D.C. So. Dist. Texas)

—Items continued from the first page—

- 4.
- ☐
- Additional judgment debtor (name and last known address):

- 7.
- ☐
- Notice of sale has been requested by (name and address):

- 8.
- ☐
- Joint debtor was declared bound by the judgment (CCP 989-994)

a. on (date):

b. name and address of joint debtor:

a. on (date):

b. name and address of joint debtor:

- c.
- ☐
- additional costs against certain joint debtors (itemize):

- 9.
- ☐
- (Writ of Possession or Writ of Sale) Judgment was entered for the following:

- a.
- ☐
- Possession of real property. The complaint was filed on (date):

(Check (1) or (2)):

- (1)
- ☐
- The Prejudgment Claim of Right to Possession was served in compliance with CCP 415.46.
- 
- The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.

- (2)
- ☐
- The Prejudgment Claim of Right to Possession was NOT served in compliance with CCP 415.46.

(a) \$ \_\_\_\_\_ was the daily rental value on the date the complaint was filed.

(b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify):

- b.
- ☐
- Possession of personal property

☐ If delivery cannot be had, then for the value (itemize in 9e) specified in the judgment or supplemental order.

- c.
- ☐
- Sale of personal property

- d.
- ☐
- Sale of real property

- e. Description of property:

## — NOTICE TO PERSON SERVED —

WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying Notice of Levy.

WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will make a demand upon you for the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.

WRIT OF POSSESSION OF REAL PROPERTY. If the premises are not vacated within five days after the date of service on the occupant or, if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with CCP 1174 unless you or the owner of the property pays the judgment creditor the reasonable cost of storage and takes possession of the personal property not later than 15 days after the time the judgment creditor takes possession of the premises.

► A Claim of Right to Possession for \_\_\_\_\_ companies this writ (unless the Summons is served in compliance with CCP 415.46).

Irby v. Haden

Foreign Judgment 96 034 VRM

ATTACHMENT TO WRIT OF EXECUTION (Money Judgment)

Name of Court: The United States District Court for the Northern District of California is the name of the court in which the foreign judgment has been registered as foreign judgment number 96 034 VRM to enforce a judgment originally entered in the United States District Court for the Southern District of Texas, Houston Division in case number H-88-1781. The address of the District Court in the Southern District of Texas is: Bob Casey Federal Building, 151 Rusk Avenue, Houston, Texas 77002.

Item 3: The address of the judgment creditor is:

403 Quail Lane  
Ruston, LA 71270

Item 5: The Judgment for the amount of \$87,450.00 was entered in the United States District Court for the Southern District of Texas, Houston Division, on November 17, 1988.

The "Certification of Judgment for Registration in Another District," certifying the Judgment, was filed in the United States District Court for the Northern District of California on August 14, 1996 as foreign judgment number 96 034 VRM.

# EXHIBIT D

EXHIBIT D

Equivalent Coupon Yield	Date of Auction	Equivalent Coupon Issue Yield	Date of Auction	Equivalent Coupon Issue Yield
6	08/29/85	7.91%	05/31/90	8.24%
6	09/26/85	7.87%	06/28/90	8.09%
6	10/24/85	8.08%	07/26/90	7.88%
6	11/26/85	7.87%	08/23/90	7.95%
6	12/19/85	7.57%	09/20/90	7.78%
6	01/16/86	7.85%	10/26/90	7.51%
6	02/13/86	7.71%	11/15/90	7.28%
6	03/13/86	7.06%	12/13/90	7.02%
6	04/10/86	6.31%	01/10/91	6.62%
6	05/13/86	6.56%	02/12/91	6.21%
6	06/05/86	7.03%	03/07/91	6.46%
6	07/08/86	6.35%	04/04/91	6.26%
6	07/31/86	6.18%	05/02/91	6.07%
6	08/28/86	5.63%	05/30/91	6.09%
6	09/25/86	5.79%	06/27/91	6.39%
6	10/23/86	5.75%	07/25/91	6.26%
6	11/20/86	5.77%	08/22/91	5.68%
6	12/23/86	5.93%	09/19/91	5.57%
6	01/15/87	5.75%	10/17/91	5.42%
6	02/12/87	6.09%	11/14/91	4.98%
6	03/12/87	6.04%	12/12/91	4.41%
6	04/09/87	6.30%	01/09/92	4.02%
6	05/12/87	7.02%	02/06/92	4.21%
6	06/04/87	7.00%	03/05/92	4.58%
6	07/02/87	6.64%	04/02/92	4.55%
6	08/04/87	6.98%	04/30/92	4.40%
6	09/01/87	7.22%	05/28/92	4.26%
6	09/30/87	7.88%	06/25/92	4.11%
6	10/22/87	6.90%	07/23/92	3.51%
6	11/19/87	6.93%	08/20/92	3.41%
6	12/17/87	7.22%	09/17/92	3.13%
6	01/14/88	7.14%	10/15/92	3.24%
6	02/11/88	6.59%	11/17/92	3.76%
6	03/10/88	6.71%	12/10/92	3.72%
6	04/07/88	7.01%	01/07/93	3.67%
6	05/05/88	7.20%	02/04/93	3.45%
6	06/02/88	7.59%	03/04/93	3.21%
6	06/30/88	7.54%	04/06/93	3.37%
6	07/28/88	7.95%	04/30/93	3.25%
6	08/25/88	8.32%	05/27/93	3.54%
6	09/22/88	8.04%	06/24/93	3.54%
6	10/20/88	8.15%	07/22/93	3.58%
6	11/17/88	8.55%	08/19/93	3.43%
6	12/15/88	9.20%	09/16/93	3.40%
6	01/12/89	9.16%	10/14/93	3.38%
6	02/15/89	9.32%	11/16/93	3.57%
6	03/09/89	9.43%	12/09/93	3.61%
6	04/06/89	9.31%	01/06/94	3.67%
6	05/04/89	9.15%	02/03/94	3.74%
6	06/01/89	8.85%	03/03/94	4.22%
6	06/29/89	8.16%	03/31/94	4.51%
6	07/27/89	7.75%	04/28/94	5.02%
6	08/24/89	8.27%	5/26/94	5.28%
6	09/21/89	8.19%	6/23/94	5.31%
6	10/19/89	7.90%	7/21/94	5.49%
6	11/16/89	7.69%	8/18/94	5.67%
6	12/14/89	7.66%	9/15/94	5.69%
6	01/11/90	7.74%	10/13/94	6.06%
6	02/13/90	7.97%	11/10/94	6.482%
6	03/08/90	8.36%	12/08/94	7.22%
6	04/05/90	8.32%	1/5/95	7.34%
6	05/03/90	8.70%	2/2/95	7.03%

Complete Annotation Materials, see Title 28 U.S.C.A.

# EXHIBIT E

EXHIBIT E

Page 1



1 After hearing the evidence and arguments of counsel, judgment is hereby  
2 entered in this action against debtor and defendant Brooks H. Haden ("Haden") in favor of  
3 plaintiff Ireta Irby ("Irby") determining that Irby's Judgment against Haden, entered on  
4 November 17, 1988, in the United States District Court for the Southern District of Texas,  
5 Civil Action No. H-88-1781, is deemed nondischargeable pursuant to Bankruptcy Code  
6 Section 523(a)(2)(A). Irby shall recover her costs of suit in the amount of \$685.20.

7 Dated: APR 27 1998

8  
9 **ALAN JAROSLOVSKY**

10 ALAN JAROSLOVSKY  
11 United States Bankruptcy Judge  
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PROOF OF SERVICE

I, the undersigned, declare as follows:

I am over the age of 18 years, and not a party to this action. My business address is 505 Montgomery Street, Suite 1550, San Francisco, California 94111. I am readily familiar with the business practice at my place of business for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business. On this date, at San Francisco, California, I served the following document(s), entitled JUDGMENT, by placing copies of said document(s) in sealed envelopes and served in the manner(s) described below on the addressee(s) listed below.

☒ (By Mail) I placed such envelope(s) for collection and mailing at my employer's San Francisco office following ordinary business practices, addressed to the addressee(s) designated.


☐ (By Federal Express) I caused such envelope(s) to be delivered by Federal Express overnight courier to the addressee(s) designated.

☐ (By Hand Delivery) I caused such envelope(s) to be delivered by hand to the addressee(s) designated.

☐ (By Facsimile) I transmitted copies of the referenced document(s) via facsimile to the telephone number(s) of the addressee(s) designated.

Iain A. Macdonald, Esq.  
Law Offices of Iain A. Macdonald  
Two Embarcadero Center, Suite 1670  
San Francisco, CA 94111-3930

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on April 20, 1998, in San Francisco, California.

  
Béla Nuss

## POST JUDGEMENT INTEREST RATES

Interest is allowed on most judgments entered in the federal courts from the date of judgment until paid. The types of judgments generally fall under one of three statutes: 28 U.S.C. 1961, which governs civil and bankruptcy adversary judgment interest; 18 U.S.C. 3612 (f)(2), which governs criminal judgments or sentences; and 40 U.S.C. 3116, which governs deficiency judgments in condemnation proceedings. These statutory references should be checked with reliable statutory data bases such as Westlaw, Lexis, or other appropriately maintained sources of the U.S. Code for the latest changes.

Under each of the above statutes the rate of interest used in calculating the amount of post judgment interest is the weekly average 1-year constant maturity (nominal) Treasury yield, as published by the Federal Reserve System. Prior to December 21, 2000 the rate of interest allowed under the statutes cited above was based on the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of 52 week t- bills settled immediately preceding entry of the judgment. The way the rate is used differs under each of the cited statutes, so those sections should be reviewed to determine how to apply it to any particular judgment.

### Current Applicable Rates

The current rate applicable under these sections is provided by the Federal Reserve and published each Monday for the preceding week (unless that day is a holiday in which case the rate is published on the next business day).

The specific rate referred to in the statutes is found in the table under the two columns headed WEEK ENDING. The two dates under those columns refer to the Friday averages of the last two weeks. Under those columns you need to go down to the row which states U.S. government securities - Treasury constant maturities nominal<sup>10</sup> - 1-year. Where the row and columns meet - that is the rate you use.

Prior current rates also are available by selecting the week preceding the date of judgment (or the date interest would otherwise apply under the above) and selecting the release date preceding the date of judgment. NOTE: if your judgment date is the same as the release date, you should select the prior week's release. REASON: the releases are considered to be issued at the close of business on the date of release.

### Rates Prior to December 21, 2000

Rates under the prior language were based on the average accepted auction price for the latest auction of 52 week t-bills.